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An Act Pertaining to the Breeding and Selling of Dogs and Cats

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 7 MRSA §3907, sub-§8-A, as amended by PL 2007, c. 702, §3, is further amended to read:

8-A. Breeding kennel. "Breeding kennel" means a location where 5 or more adult female dogs, wolf hybrids or cats capable of breeding are kept and some or all of the offspring are offered for sale, sold or exchanged for value or a location where more than 16 dogs or cats raised on the premises are sold to the public in a 12-month period. "Breeding kennel" does not include a kennel licensed by a municipality under section 3923-C when the dogs are kept primarily for hunting, show, training, ~~mushingsledding~~, field trials or exhibition purposes and not more than 16 dogs are offered for sale, sold or exchanged for value within a ~~12-month period~~calendar year.

Sec. 2. 7 MRSA §3907, sub-§17, as amended by PL 2007, c. 702, §6, is further amended to read:

17. Kennel. "Kennel" means 5 or more dogs or wolf hybrids kept in a single location under one ownership for breeding, hunting, show, training, field trials, ~~mushingsledding~~ or exhibition purposes. The sale or exchange of one litter of puppies within a 12-month period alone does not constitute the operation of a kennel.

Sec. 3. 7 MRSA §3931-A, sub-§1, as amended by PL 1995, c. 490, §10, is further amended to read:

1. License necessary. A person maintaining a breeding kennel, as defined in section 3907, must obtain a license from the department and is subject to rules adopted by the department. The license expires 12 months after the date of issuance. An applicant for a breeding kennel license shall state in the application the number of female dogs or cats capable of breeding that are maintained at the breeding kennel. The department shall issue a license or a conditional license under subsection 6 in one of the 3 categories described in paragraphs A, B and C and collect a fee in accordance with subsection 2.

A. A breeding kennel that maintains at least 5 but no more than 10 female dogs or cats capable of breeding is a Category 1 breeding kennel.

B. A breeding kennel that maintains at least 11 but no more than 20 female dogs or cats capable of breeding is a Category 2 breeding kennel.

C. A breeding kennel that maintains 21 or more female dogs or cats capable of breeding is a Category 3 breeding kennel.

Sec. 4. 7 MRSA §3931-A, sub-§2, as amended by PL 2003, c. 405, §16, is repealed and the following enacted in its place:

2. License fees. The license fee is \$75 for a Category 1 breeding kennel, \$250 for a Category 2 breeding kennel and \$500 for a Category 3 breeding kennel.

Sec. 5. 7 MRSA §3931-A, sub-§5, as enacted by PL 2007, c. 702, §8, is amended to read:

5. License number requirements. A breeding kennel shall prominently display in writtenany advertising the state-issued kennel license number.

The breeding kennel shall provide its license number to a person purchasing or receiving an animal from the breeding kennel.

Sec. 6. 7 MRSA §3931-A, sub-§6 is enacted to read:

6. Conditional breeding kennel license. Upon receiving an application for a breeding kennel that does not at the time of application hold a valid license under this section, the department shall issue a conditional breeding kennel license. The conditional license remains in effect until the breeding kennel passes an inspection under section 3936. If a breeding kennel cannot meet minimum standards within 6 months after the initial inspection, the conditional breeding kennel license may be revoked or suspended by the department pending an administrative proceeding held in accordance with Title 5, chapter 375, subchapter 5.

Sec. 7. 7 MRSA §3936-A is enacted to read:

§ 3936-A. Noncompliance; subsequent inspection required

If, upon inspection under section 3936, the commissioner or the commissioner's designee finds a facility licensed under this chapter to be in violation of this chapter or rules adopted under this chapter, the commissioner or the commissioner's designee shall issue a written notice describing the violation, the required corrective action to be taken and the date by which the correction must be made. No fee is charged for the first follow-up inspection. If the corrective action has not been taken within the specified period and 2 or more follow-up inspections are needed in any calendar year, the department shall charge the licensee a fee equal to 50% of the original license fee for each follow-up inspection. The original notice of a violation must inform the licensee of the fee charged for follow-up inspections.

If the person operating the facility fails to complete corrective actions by the date noted in the original notice or a subsequent date specified by the department, the department may revoke, suspend or refuse to renew a license issued under this chapter pending an administrative proceeding held in accordance with Title 5, chapter 375, subchapter 5.

Sec. 8. 7 MRSA §4151, sub-§4-A, as enacted by PL 2007, c. 702, §22, is amended to read:

4-A. Seller. "Seller" means the owner or operator of a breeding kennel as defined in section 3907, subsection 8-A or the owner or operator of a pet shop as defined in section 3907, subsection 23. "Seller" includes animal dealers required to be licensed by the United States Department of Agriculture. "Seller" includes the owner or keeper of a cat or dog that advertises for sale, sells or exchanges for value more

than one dog or cat in a calendar year. "Seller" does not include humane societies, nonprofit organizations performing the functions of humane societies or animal shelters licensed in accordance with section 3932-A.

Sec. 9. 7 MRSA §4152, sub-§1, ¶A, as amended by PL 2007, c. 702, §23, is further amended to read:

A. An animal history that includes:

(1) For sellers licensed with the United States Department of Agriculture, the name, address and United States Department of Agriculture license number of the breeder and any broker who has had possession of the animal. For sellers licensed with the State, the name, address of the seller and the license number issued under section 3931-A, 3933 or 4163;

(2) The date of the animal's birth;

(3) The date the seller received the animal if the animal was not born on the seller's premises;

(4) The breed, sex, color and identifying marks of the animal. If the breed is unknown or mixed, that fact must be stated;

(5) The individual identifying tag, tattoo, microchip identification number or collar number;

(6) For pure bred animals that are advertised as eligible for registration, the name and registration number of the sire and dam and, if available, the litter number; and

(7) A record of inoculations, ~~worming~~ internal or external parasite treatments, medication or any veterinarian treatment received by the animal while in the possession of the breeder ~~or dealerseller~~ and proof of veterinary examination as required under section 4153;

Sec. 10. 7 MRSA §4152-A is enacted to read:

§ 4152-A. Documents necessary for breed registration

1. Requirement to provide. A seller who states, promises or represents that an animal is registered or capable of registration with an animal pedigree organization shall provide the purchaser with the documents necessary for registration at the time of sale or within 90 days of the sale unless specified otherwise in a contractual agreement signed by the purchaser.

2. Process to acquire documentation. If the purchaser does not receive the necessary documents within the time period specified in subsection 1, the purchaser may send a written request for the documents to the seller via certified mail. Within 60 days of receiving the request, the seller must deliver the documents directly or send them by certified mail to the purchaser.

3. Failure to provide documentation; resolution. If the seller fails to provide the necessary documents in accordance with subsection 2, the purchaser is entitled to a partial refund of 50% of the purchase price. Upon payment of the refund, a seller is absolved of the requirement to provide the documents necessary for breed registration. Acceptance of the registration papers by the purchaser outside of the required time period waives the purchaser's right to a partial refund.

Sec. 11. 7 MRSA §4153, as amended by PL 2007, c. 702, §24, is further amended to read:

§ 4153. Sale prohibited

A seller may not sell an animal that has not been examined by a veterinarian to determine the general health of the animal. Any health problem discovered must be disclosed at the time of sale under section 4152, subsection 1, paragraph A. Notwithstanding section 4152, a seller may not sell an animal that has any obvious clinical sign of infectious, contagious, parasitic or communicable disease or abnormality or has any disease, illness or condition that requires hospitalization or nonelective surgical procedures.

Sec. 12. 7 MRSA §4162, as repealed and replaced by PL 1997, c. 690, §55 and amended by PL 1999, c. 547, Pt. B, §78 and affected by §80, is further amended to read:

§ 4162. Additional penalties

1. Civil violation. A person who fails to meet a requirement of this chapter commits a civil violation for which a forfeiture not to exceed \$100 less than \$250 or more than \$500 per violation may be adjudged.

2. Action against pet shops and breeding kennels. The Pending an administrative hearing in accordance with Title 5, chapter 375, subchapter 5, the department may file an action in District Court to revoke or suspend the license of a pet shop or breeding kennel that violates any provision of revoke or suspend a breeding kennel or pet shop license if the person maintaining the breeding kennel or pet shop violates this chapter or rules adopted under section 3906-B, subsection 10 to implement this chapter.

Sec. 13. 17 MRSA §1011, sub-§8-A, as amended by PL 2007, c. 702, §38, is further amended to read:

8-A. Breeding kennel. "Breeding kennel" means a location where 5 or more adult dogs, wolf hybrids or cats capable of breeding are kept and some or all of the offspring are offered for sale, sold or exchanged for value or a location where more than 16 dogs or cats raised on the premises are sold to the public in a 12-month period. "Breeding kennel" does not include a kennel licensed by a municipality under Title 7, section 3923-C when the dogs are kept primarily for hunting, show, training, ~~mushings~~ sledging, field trials or exhibition purposes and not more than 16 dogs are offered for sale, sold or exchanged for value within a 12-month period.

Sec. 14. 17 MRSA §1011, sub-§17, as amended by PL 2007, c. 702, §40, is further amended to read:

17. Kennel. "Kennel" means one pack or collection of dogs kept in a single location under one ownership for breeding, hunting, show, training, field trials, ~~mushingsledding~~ or exhibition purposes.

SUMMARY

This bill implements recommendations of the working group convened by the Commissioner of Agriculture, Food and Rural Resources to evaluate the regulation of cat and dog breeding facilities.

1. It amends the definition of "breeding kennel" to specify that 5 or more female dogs capable of breeding is the threshold for needing a breeding kennel license.

2. It establishes 3 categories of kennel licenses and corresponding license fees based on the number of female dogs capable of breeding.

3. It directs the Department of Agriculture, Food and Rural Resources to issue a conditional license as the initial license for a new breeding kennel. The license remains conditional until the breeding kennel passes inspection.

4. It directs the department to issue a written notice when a licensed facility fails inspection. The notice must describe the violation and corrective action needed. It directs the department to charge a fee when more than 2 inspections are required to ensure that the corrective actions have been taken.

5. It authorizes the department to revoke, suspend or refuse to renew a license pending an administrative hearing.

6. It expands the definition of "seller" used in the Maine Revised Statutes, Title 7, chapter 745 to include those owners or keepers who advertise for sale more than one dog or cat a year and adds additional disclosure requirements for sellers.

7. It establishes a process to procure documents needed to register a dog or cat with a pedigree organization and to receive a refund when promised papers are not delivered.

8. It requires a seller to have a dog or cat examined by a veterinarian prior to sale.